



Entered on Docket  
September 21, 2010

  
Hon. Mike K. Nakagawa  
United States Bankruptcy Judge

WILDE & ASSOCIATES  
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U.S. Bank, National Association  
10-72466

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In Re:

Jose Hernandez and  
Maria L. Hernandez

Debtor.

BK-S-09-25923-mkn

MS Motion No. 60  
Date: 8/25/10  
Time: 1:30

Chapter 13

**ORDER RE ADEQUATE PROTECTION**

Secured Creditor's Motion for Relief from the Automatic Stay having come on for hearing in the above-entitled Court, all appearances as noted on court record, and based upon all the papers and pleadings on file herein and good cause appearing therefor,

1 IT IS HEREBY ORDERED, ADJUDGED and DECREED that the debtor will cure the  
2 post-petition arrearages currently due as follows:

3 7 Monthly Payments(s) at \$1,480.92	\$10,366.44
(February 1, 2010 - August 1, 2010)	
4 7 Late Charge(s) at \$59.24	\$414.68
(February 1, 2010 - August 1, 2010)	
5 Property Inspections	\$100.00
6 Corporate Advance	\$200.00
Motion for Relief Filing Fee	\$150.00
7 Attorneys Fees	\$750.00
8 Total	\$11,981.12

9 The total arrearage shall be paid in six monthly installments. Payments one through five  
10 (1-5) in the amount of \$1,996.86 shall be in addition to the regular monthly payment and shall be  
11 due on or before the 20th day of the month commencing with the September 20, 2010 payment  
12 and continuing throughout and concluding on or before January 20, 2011. The sixth final  
13 payment in the amount of \$1,996.82 shall be paid on or before February 20, 2011.

14 IT IS FURTHER ORDERED, ADJUDGED and DECREED that the Secured Creditor  
15 shall give Debtor at least five business days' notice of the time, place and date of sale.

16 IT IS FURTHER ORDERED, ADJUDGED and DECREED that the Debtor shall resume  
17 and maintain the regular monthly payments in a timely fashion, outside of any Bankruptcy Plan,  
18 beginning with the September 1, 2010, payment, on Secured Creditor's Trust obligation,  
19 encumbering the subject Property, generally described as 3583 San Pascual Avenue , Las Vegas,  
20 NV 89115, and legally described as follows:

21 LOT SEVEN (7) Block THREE (3) OF LOS CERRITOS ESTATES UNIT NO.1,  
22 AS SHOWN BY MAP THEREOF ON FILE IN BOOK 8 OF PLATS, PAGE 70  
IN THE OFFICE OF THE COUNTY RECORDER OF CLARK COUNTY, NEVADA.

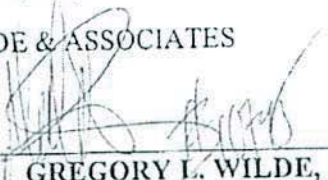
23 IT IS FURTHER ORDERED, ADJUDGED and DECREED that if the Debtor fails to make  
24 any payments as stated in this Order, or fail to maintain the regular monthly payments on Secured  
25 Creditor's Trust Deed obligation, allowing the normal grace period, then Secured Creditor may file  
26 and serve upon Debtors and Debtors' counsel, a fifteen (15) Day Notice Declaration Re Breach of  
Condition. For each such Declaration Re Breach of Condition filed, there shall be assessed an  
attorney fees of \$100.00, to be paid by the Debtors upon

1 any reinstatement. If upon the sixteenth (16th) day Debtors have failed to cure the delinquency,  
2 then Secured Creditor may submit to this Court an Order vacating the automatic stay as to Secured  
3 Creditor, and Secured Creditor may thereafter proceed with foreclosure proceedings upon the  
4 subject Property, pursuant to applicable State Law, and take any action necessary to obtain complete  
5 possession thereof.

6  
7 Submitted by:

8 WILDE & ASSOCIATES

9  
10 By


  
11 **GREGORY L. WILDE, ESQ.**

12 Attorneys for Secured Creditor  
212 South Jones Boulevard  
Las Vegas, Nevada 89107

13 APPROVED AS TO FORM & CONTENT:

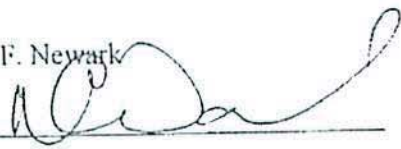
14 Kathleen A. Leavitt

15 By

  
16 Kathleen A. Leavitt  
17 Chapter 13 Trustee  
18 201 Las Vegas Blvd., So. #200  
Las Vegas, NV 89101

Narrah F. Newark

By

  
Narrah F. Newark  
Attorney for Debtors  
201 LAS VEGAS BLVD., S., #350  
Las Vegas, NV 89101

19  
20 Nevada Bar No. \_\_\_\_\_  
21  
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In accordance with Local Rule 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

☐ The court has waived the requirements set forth in LR 9021(b)(1).

☐ No party appeared at the hearing or filed an objection to the motion.

☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each property and whether the party has approved, disapproved, or failed to respond to the document]:

☒ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order.

Debtor's counsel:

☒ approved the form of this order ☐ disapproved the form of this order

☐ waived the right to review the order and/or ☐ failed to respond to the document

☐ appeared at the hearing, waived the right to review the order

☐ matter unopposed, did not appear at the hearing, waived the right to review the order

Trustee:

☒ approved the form of this order ☐ disapproved the form of this order

☐ waived the right to review the order and/or ☐ failed to respond to the document

☐ This is a chapter 9, 11, or 15 case, and I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any trustee appointed in this case any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below.

Debtor's counsel:

☐ approved the form of this order ☐ disapproved the form of this order

☐ waived the right to review the order and/or ☐ failed to respond to the document

☐ appeared at the hearing, waived the right to review the order

☐ matter unopposed, did not appear at the hearing, waived the right to review the order

Trustee:

☐ approved the form of this order ☐ disapproved the form of this order

☐ waived the right to review the order and/or ☐ failed to respond to the document

☐ I certify that I have served a copy of this order with the motion, and no parties appeared or filed written objection.

Submitted by:

/s/ Gregory L. Wilde, Esq.

Gregory L. Wilde, Esq.

Attorney for Secured Creditor